

Appl. No.: 09/831,432

Group Art Unit: 1751

Applicants' Reply to the Office Action mailed June 25, 2004

### REMARKS

Claims 14-36 are currently pending in the présent application.

At the outset, Applicants would like to draw the Examiner's attention to the fact that while European Patent Publication No. EP 0 217 732 A1 (hereinafter referred to as "EP '732") has been considered by the Examiner and used as a basis for a rejection in the Office Action, the reference has not been cited by Applicants in an Information Disclosure Statement, nor has the Examiner listed the reference on a Form PTO-892. Applicants respectfully request that the Examiner include, along with the next official communication in this application, a Form PTO-892 listing the EP '732 reference to ensure that EP '732 appears on the face of any eventual patent issuing from this application.

Claims 14, 15, and 18-23 have been amended, without prejudice, to more particularly point out and distinctly claim that which Applicants regard as their invention. More specifically, claim 14 has been amended to specify that the acyl group represented by  $R^1C(O)$  has from 8 to 18 carbon atoms, as was previously set forth in dependent claim 15. This element directed to the carbon chain length of the acyl group, which is now incorporated into claim 14, has been deleted from dependent claim 15. Claim 18, which was formerly dependent upon claim 14, has been rewritten in independent form, but not narrowed in any way. Thus, claim 18 is identical in scope to its original form. Claim 19-23 have been amended to depend from claim 18, as opposed to claim 14, and for proper antecedent basis. Support for the amendments to the claims can be found in the original and previously presented claims and in the Specification, for example, at pages 3-5; and in the Examples. No new matter has been introduced. Applicants submit that no fees for additional claims are due. A complete listing of all claims ever presented is included herein in accordance with 37 C.F.R. §1.121(c). Entry of the amendments is therefore proper and respectfully requested.

In the Office Action, the Examiner rejects claim 14 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 3,539,518 of Feighner, *et al.* (hereinafter referred to as "Feighner"). Specifically, the Examiner contends that Feighner discloses a dishwashing rinse

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agent comprising an alkoxyated surfactant of the claimed invention. On this basis, the Examiner concludes that Feighner anticipates the claimed invention.

Applicants respectfully traverse the Examiner's rejection and the contentions in support thereof, for the following reasons. As set forth above, Applicants have amended claim 14 to specify that the acyl group of the claimed alkoxyated carboxylic acid ester, represented by  $R^1C(O)$ , has from 8 to 18 carbon atoms. Feighner is directed to low foam surfactant compositions consisting essentially of water and acyl group capped alcohol ethoxylates of the structural formula (1), wherein the  $R_2$  group bound to the acyl carbonyl moiety has up to 5 carbon atoms. (See, Feighner, col. 2, lines 22-35). Applicants respectfully submit that the reference fails to anticipate claim 14.

In the Office Action, the Examiner rejects claims 14-36 under U.S.C. §103(a), as being unpatentable over EP '732. Specifically, the Examiner contends that EP '732 discloses a clear rinse agent containing an alkoxyated surfactant, other nonionic surfactants, acids and solvents. The Examiner acknowledges that EP '732 fails to exemplify each of the claimed components, but argues that it would have been obvious to one of ordinary skill in the art at the time the invention was made, "to combine the components to specifically teach the claimed invention . . ." (See, the Office Action, p. 4). On this basis, the Examiner concludes that the claims are *prima facie* obvious in light of EP '732.

Applicants respectfully traverse the Examiner's rejection and the arguments and contentions in support thereof for the following reasons. To begin with, Applicants' claimed invention is directed to rinse agent compositions and methods of rinsing machine washed tableware, wherein the rinse agent comprises an alkoxyated *carboxylic acid ester* of the general formula (I).

EP '732 is directed to phosphate-free, powder rinse agent based on combinations of polymeric organic carboxylic acids (e.g., polyacrylic acid) and ethoxylated alcohols. The ethoxylated nonionic surfactant component disclosed in EP '732 is an ethoxylated alcohol, NOT an alkoxyated carboxylic acid ester. The disclosure of EP '732 does not teach or suggest the use of an alkoxyated *carboxylic acid ester* of the general formula (I) as a rinse agent for machine-

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washed tableware, as claimed. Moreover, EP '732 does not contain any teaching or suggestion which would motivate one of ordinary skill in the art to modify its teachings to arrive at the claimed invention. Applicants are not aware of anything in EP '732, nor has the Examiner pointed to any specific teaching in the reference, which would motivate one of ordinary skill in the art to directly bypass the explicit teachings of EP '732 and instead select an alkoxylated *carboxylic acid ester* of the general formula (I).

Applicants submit that the disclosure of EP '732 is insufficient to establish a *prima facie* case of obviousness, and respectfully request reconsideration and withdrawal of the rejection based upon EP '732.

In view of the remarks set forth above and the amendment made to claim 14, Applicants submit that all pending claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejections and a Notice of Allowance are respectfully requested.

Respectfully submitted,

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